

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

<p>Jonathan “Jon” Mikel and Shanna Mikel <i>Plaintiffs,</i></p> <p>v.</p> <p>CARRINGTON MORTGAGE SERVICES, LLC <i>Defendant</i></p>	§ § § § § § § § § §	<p>Civil Action No. 1:16-cv-01107-ML</p>
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**DECLARATION OF SHANNA MIKEL
IN SUPPORT OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT UNDER
PENALTY OF PERJURY**

My name is SHANNA MIKEL. I am competent to make this declaration. The facts stated in this declaration are within my personal knowledge, true and correct.

The facts set forth in Plaintiffs’ Motion for Summary Judgment are true and correct. I am a signer on the Note and Deed of Trust for the property in dispute. As part of my duties in our household, I manage the finances. I received and kept the records regarding the loan on our house, including checks and bank and mortgage statements.

The deposition of Mark Madden and of myself and my husband Jon Mikel are true and correct copies of the depositions taken in this case.

I receive and store the mail to our house. We did not receive a notice dated in December of 2013 from Carrington Mortgage Services prior to hiring David Rogers to investigate the circumstances surrounding our mortgage. We hired him to investigate the mortgage and take steps to prevent foreclosure in July of 2016. We paid him \$2,000 for that service prior to litigation, and that contract did not obligate us to hire him if we decided to sue. Our contract with him to litigate this case is separate and our litigation fees are separate.

We never received notice from CMS of the June 22, 2018 assignment of our mortgage to CMS, and only became aware of it through Mr. Rogers’ investigations. CMS never offered us a single point of contact.

We did not receive any explanation regarding the accounting errors by CMS in early 2016 until months after our lawsuit began. CMS did not take timely corrective action with regard to those errors. CMS sent no letters to us directly after we hired Mr. Rogers except for letters and forms regarding possible loan modifications.

EXECUTED on January, 18, 2019, in Williamson County, Texas.


SHANNA MIKEL

